

REMARKS

Claims 1-3, 5-15, 18-23 and 25-31 are in the application.

Claim 4 has been canceled without prejudice.

Claims 1, 13, 29, 30 and 31 have been amended to recite sending over a wireless channel a paging message indicative of an allocated wireless channel over which a multicast message is received.

§ 103 Rejections

In the Office Action, claims 1-3, 10-14, 18-20 and 28-31 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Number 6,141,347 to Shaughnessy, *et al.*, hereinafter “Shaughnessy” in view of U.S. Patent Number 5,930,248 to Langlet, *et al.*, hereinafter “Langlet”; claims 5-9, 15, 21-23 and 26-27 were rejected under 35 U.S.C. § 103 as being unpatentable over Shaughnessy in view of Langlet and in further view of U.S. Patent Number 6,308,079 to Pan, *et al.*, hereinafter “Pan”; claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over Shaughnessy in view of Langlet and in further view of U.S. Patent Number 6,385,461 to Raith, *et al.*, hereinafter “Raith” and claim 25 was rejected under 35 U.S.C. § 103 as being unpatentable over Shaughnessy in view of Langlet and Pan and in further view of Raith.

Differences Between the Cited Art and the Present Invention

Representative claim 1 recites:

1. A method of multicasting messages in a wireless network comprising:

receiving at a base station processor having a plurality of wireless channels a multicast message addressed to a multicast group having one or more members;

in response to said multicast message, allocating a wireless channel from said plurality of wireless channels wherein the allocated wireless channel is dedicated for the transmission of multicast messages; and

sending to each of said multicast group members, via one of said plurality of wireless channels, a *paging message indicative of said allocated wireless channel over which to receive said multicast message*,

wherein said paging message is transmitted simultaneously to each of said multicast group members.

The MPEP at § 2142 states that:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

The Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to the Applicants' claimed ***paging message indicative of said allocated wireless channel over which to receive said multicast message.***

In the Office Action, the Examiner seems to believe that Shaughnessy teaches the Applicants' claimed paging message at column 8, lines 20-25. The Applicants respectfully disagree.

At the cited section, Shaughnessy discloses paging messages that are used for the purpose of determining if a talk group is no longer affiliated with a cell site. See Shaughnessy column 8, lines 18-20. Specifically, the cell site transmits a paging message to subscribers affiliated with the site and the talk group. If all of the paged subscribers fail to respond to the page with acknowledgements, the cell site concludes that the talk group is no longer affiliated with the cell site. See Shaughnessy column 8, lines 21-25. Thus, Shaughnessy uses the paging messages to determine if subscribers belonging to a particular talk group are still affiliated with the cell site.

This is quite different than the Applicants' claimed paging messages which are used for purposes of notify members of a multicast group of the identity of a multicast channel on which the members can receive a multicast message. Specifically, in accordance with an aspect of the invention, a base station receives a multicast message that is destined for members of a multicast group. The base station allocates a wireless channel on which to multicast the message, generates a paging message that indicates the allocated wireless channel and sends the paging message to members of the multicast group. Sending the paging message to the members, makes

them aware of the identity of the channel that is used to send the multicast message to them. Shaughnessy's paging messages do not do this because, as noted above, Shaughnessy's paging messages, are geared towards determining if a talk group is associated with a cell site and not for purpose of disseminating the identity of a wireless channel. Therefore, there would be no reason to include an indicator of a wireless channel that is used to receive a multicast message in Shaughnessy's paging messages.

For the reasons set forth above, the Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, the Applicants respectfully request that the above rejections to claims 1-3, 5-15, 18-23 and 25-31 be withdrawn.

Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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